IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

Crl.Rev.Pet.No. 1096 of 1999()

CRA.52/1996 of ADDL. SESSIONS COURT, ALAPPUZHA
CC.78/1994 of CHIEF JUDICIAL MAGISTRATE, ALAPPUZHA

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REVN. PETITIONER:

NIRUP KUMAR, S/O.NARIMAN,
VRINDAVAN, ARATTUVAZHI WARD,
ALAPPUZHA.

BY ADV. SRI.PAULY MATHEW MURICKEN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE
DIRECTOR OF PROSECUTIONS,
HIGH COURT OF KERALA,
ERNAKULAM.

(*)ADDL.RESPONDENT NO.2

SRI.JAYAMOHANAN,
S/O.PUSHPANGADAN, AGED 42,
CHAKKALAKAL HOUSE,
ARATTUVAZHY,
ALAPPUZHA.

(**)ADDL. RESPONDENT NO.3

SRI MOHANAN C.M.
S/O.MADHAVAN, AGED 52,
CHAKKALAKAL HOUSE,
ARATTUVAZHY, ALAPPUZHA.

(*) & (**) ADDL.RESPONDENTS 2 AND 3 IMPLEADED AS PER ORDER ON C.M.APPLN.NO.8345/2007 DATED 09/08/2007.

BY PUBLIC PROSECUTOR, SRI AMJAD ALI
SRI.G.PRIYADARSAN THAMPI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 09/08/2007, ALONG WITH CRRP NO. 77 OF 2000, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.5028/1999 IN CRL.R.P.NO.1096/1999

CLOSED

SD/- K.R.UDAYABHANU, JUDGE

09/08/2007

K.R.UDAYABHANU, J.

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Crl.R.P.Nos.1096/1999 & 77/2000

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Dated this the 9th day of August, 2007

O R D E R

The criminal revision petition No.1096/1999 is filed by the first accused in C.C.No.78/1994 in the file of the Chief Judicial Magistrate, Alappuzha, and Crl.R.P.No.77/2000 is filed by the second and third accused in the same case. The accused stand convicted for the offences under Sections 341 and 326 read with Section 34 of the Indian Penal Code and sentenced to undergo simple imprisonment for one week each for the offence under Section 341 read with Section 34 I.P.C, and sentenced to undergo rigorous imprisonment for six months each for the offence under Section 326 read with Section 34 I.P.C. No separate sentence was awarded for the offence under Section 324 I.P.C, although they were charge sheeted for the above offence as well.

2. The prosecution case is that on 06/05/1994 at 10.30 a.m., the accused in furtherance of common intention voluntarily

caused hurt to PWs.1 and 6 and grievous hurt to PW.2 at a road near the Kalappura temple.

3. The evidence adduced in the matter consisted of the testimony of PWs.1 to 9 and Exts.P1 to P12. Both the courts below concurrently found that the offences alleged have been proved.

Before this Court the de facto complainant has got impleaded vide Crl.M.P.No.8646/2007 in Crl.R.P.No.1096/1999 and a petition has also been filed by PWs.1 and 2 representing that the matter has been settled in between the parties and the petition is signed by the revision petitioner as well as PWs.1 and 2 and their respective counsel. Of course, the offence under Section 326 I.P.C is not compoundable. All the same considering that the matter has been settled, the sentence imposed for the offence under Section 326 I.P.C is modified to imprisonment till the rising of the court and to pay a fine of rupees five hundred each and in default to undergo simple imprisonment for two weeks each. The accused shall appear before the Chief Judicial

Magistrate, Alappuzha, on 22/08/2007 to receive the sentence. The offences under Sections 324 and 341 I.P.C stand compounded and the accused acquitted for the above offences.

The criminal revision petitions are disposed of as above.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.R.P.Nos.1096/1999 & 77/2000

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O R D E R

9th August, 2007